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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David J. Bova

Examiner: VENKAT, JYOTHSNA A

Serial No.: 08/368,378

Group Art Unit No.: 1615

Filing Date: January 4, 1995

Confirmation No. : 9290

Patent No. 6,080,428

For:

NICOTINIC ACID COMPOSITIONS FOR TREATING HYPERLIPIDEMIA AND RELATED METHODS THEREFOR

REQUEST FOR A CERTIFICATION OF CORRECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant herewith requests that the Director issue a Certificate of Correction pursuant to 35 USC Section 254 and 37 CFR 1.322 to correct a mistake in the above patent. Applicant submits that this mistake is clearly disclosed in the records of the Office which reflect that this mistake is the fault of the Office. Enclosed herewith is PTO/SB/44 which contains the text of the correction. While no fees are believed to be due or owing in connection with the filing of this paper, authorization is given to charge any fees incurred in connection with this matter to deposit account number 01-0025.

Abbott Laboratories
Dept. 0377, Bldg. AP6A-1
100 Abbott Park Road
Abbott Park, IL 60064-6008
(847)-938-0389

Respectfully submitted,

/Lydia Nenow/

Lydia Nenow
Attorney for Applicant
Reg. No. 52,530

Date: June 26, 2010

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

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6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 6,080,428
APPLICATION NO. : 08/368378
DATED : June 27, 2000
INVENTOR(S) : David J. Bova

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

At column 2, line 28, please delete the phrase "18 or 78 percent" and insert the phrase --12 or 52 percent --.

At column 11, line 46, please delete the phrase "had 18 of 23, or 78 percent" and insert the phrase --had 12 of 23, or 52 percent--.

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 6,080,428
APPLICATION NO. : 08/368378
DATED : June 27, 2000
INVENTOR(S) : David J. Bova

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

At column 10, line 51 to column 11, line 43, please replace Table VIII with the following replacement table:

TABLE VIII
A Comparison of Changes in Liver Function Tests

	DOSE							
	0	500	1000	1500	2000	2500	3000	TOTAL
McKenney SR[b] Niacin								
AST	23.8	27.9	40.4	36.6	56.5	na	97.0	
%	--	117	170	154	237	na	408	
Invention Dosage[c]								
AST	24.3	na	23.7	27.5	26.6	27.6	27.8	
%	--	na	98	113	109	114	114	
McKenney SR Niacin								
AST	25.6	29.5	36.3	39.0	59.1	na	100.0	
%	--	115	142	152	231	na	391	
Invention Dosage								
ALT	21.4	na	18.7	22.6	21.3	22.4	21.8	
%	--	na	87	106	100	105	102	
McKenney SR Niacin								
ALK	95	95	106	105	136	na	135	
%	--	100	112	111	143	na	142	
Invention Dosage								
ALK	74.7	na	73.9	76.1	73.4	76.7	78.0	
%	--	na	99	102	98	103	104	
McKenney SR Niacin								
Drop	--	0	1	2	4	na	5	12
n	--	--	--	--	--	--	--	23
%	--	0	4	9	17	na	22	52
Invention Dosage								
Drop	--	--	0	0	0	0	0	0
n	--	--	26	67	97	35	15	240
%	--	--	0	0	0	0	0	0
1 year	--	--	15	47	77	31	15	184
1 year	--	--	58	69	79	89	100	77

Dosed twice-per-day as described in "A Comparison of the Efficacy and Toxic Effects of Sustained - vs. Immediate - Release Niacin in Hypercholesterolemic Patients" by McKenney et al., *Journal of the American Medical Association*, March 2, 1994; Vol. 271, No. 9, pages 672-677.
[b] SR is "sustained release"
[c] Dosed once-per-day at night

Signed and Sealed this

Nineteenth Day of December, 2006

JON W. DUDAS
Director of the United States Patent and Trademark Office